

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 03, 2024**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Joseph Paul Compogno, Jr. Case Number: 0980 2:17CR00087-TOR-1

Address of Offender: [REDACTED] Chattaroy, Washington 99003

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: June 19, 2018

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2);
Distribution of 5 Grams or More of Actual (Pure) Methamphetamine 21 U.S.C. §
841(a)(1), (b)(1)(B)(viii)Original Sentence: Prison - 72 months; Type of Supervision: Supervised Release
TSR - 96 months

Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: September 23, 2022

Defense Attorney: Tracy Scott Collins Date Supervision Expires: September 22, 2030

PETITIONING THE COURT

To issue a summons.

On September 27, 2022, an officer reviewed the judgment with Mr. Compogno. He signed the judgment acknowledging an understanding of his conditions of supervision.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition #1:** You must not commit another federal, state or local crime.**Supporting Evidence:** It is alleged Mr. Compogno is in violation of his conditions of supervised release by committing a new crime, Driving Under the Influence of Alcohol (DUI), in violation of Revised Code of Washington 46.61.502, gross misdemeanor, on or around November 29, 2024.

According to a police report filed with the Spokane County Sheriff's Office, report number 2024-10169680, a sheriff's deputy observed a green Pontiac bearing Washington plate number CFR2675 driving in the right lane of Highway 2 in Spokane County at approximately 9:18 p.m. This part of the highway has two lanes of travel in each direction.

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The vehicle was driving approximately 8-10 miles per hour under the posted speed limit of 60 miles per hour. The deputy observed the vehicle drifting from side to side in the lane several times and turns appeared to be slow and sluggish. The vehicle crossed into the other lane approximately three times without using any blinkers and one time nearly collided with another vehicle that was traveling in the left lane. The other driver had to swerve to avoid a collision. A traffic stop was initiated for suspicions of driving under the influence.

Mr. Compogno was contacted on the passenger side of the vehicle. He was asked to roll down the passenger side window, which he had difficulty doing. He first rolled down the driver's side window, then the back passenger's window, and then the front passenger's window. The deputy asked for his license, registration and insurance, and it was alleged he had difficulty getting his license from his wallet.

Mr. Compogno's speech was slow and slurred when he spoke with the deputy. When questioned on how much he had to drink Mr. Compogno stated, "a few beers," and indicated he last drank 1 hour prior. The deputy observed an open can of Mike's Hard Lemonade in the cup holder. Mr. Compogno stated he was not drinking from that and stated, "it was empty." He lifted the can up and the deputy could hear a substance inside swishing around.

Mr. Compogno declined to complete the voluntary field sobriety tests. He indicated he would fail them due to an existing injury to his right foot. While speaking with the deputy, the deputy could smell a strong odor of alcohol emanating from his breath. He was exhibiting poor balance and was leaning on his vehicle for some of the contact.

Mr. Compogno agreed to take a preliminary breath test (PBT) and stated he believed he would be over the limit. He provided a sample and it gave a result of .13 blood alcohol content (BAC). The deputy also noted it appeared Mr. Compogno was blowing air out the side of his mouth while providing a breath sample and the deputy believed he was trying to "beat" the test.

Based on Mr. Compogno's observed driving, his physical indicators, his admission to drinking alcohol, the open container of alcohol, and the PBT result, probable cause was developed to arrest Mr. Compogno for DUI. He was taken to the Washington State Patrol office for DUI processing. Another breath test was administered at 10:28 p.m., which provided a test result of .263.

After giving a successful breath test the first time, Mr. Compogno either refused the second test or was unable to test. When providing a sample, the machine emits an audible tone to let the operator know that air is being blown into the tube. Mr. Compogno would place his mouth on the mouth piece and the machine would sporadically emit a tone. Based on the deputy's training and experience in administering the machine (Draeger Alcotest 9510), the deputy believed Mr. Compogno was purposefully not blowing into the tube correctly as he had just previously provided a valid sample.

Mr. Compogno was booked into the Spokane County jail under suspicion of DUI. He was released from the Spokane County Jail the following day, November 30, 2024.

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The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 3, 2024

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

Thomas O. Rice
United States District Judge

December 3, 2024

Date